

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION**

SOO LINE RAILROAD COMPANY,)	
d/b/a CANADIAN PACIFIC,)	Case No. 2:17-cv-106
)	
Plaintiff,)	Judge Rudy Lozano
)	
v.)	Magistrate Judge Andrew Rodovich
)	
CONSOLIDATED RAIL CORPORATION, et al.,)	
)	
Defendants.)	

**MOTION OF DEFENDANTS CONSOLIDATED RAIL CORPORATION, NORFOLK
SOUTHERN RAILWAY COMPANY, AND CSX TRANSPORTATION, INC.,
TO DISMISS THE AMENDED COMPLAINT AND TO DISMISS OR STRIKE
THE AMENDED COMPLAINT’S REQUESTS FOR RELIEF**

For the reasons set forth in the accompanying brief, Defendants Consolidated Rail Corporation, Norfolk Southern Railway Company, and CSX Transportation, Inc. (collectively, the “Moving Defendants”) move under Federal Rule of Civil Procedure 12(b)(6) to dismiss the Amended Complaint with prejudice because the Amended Complaint fails to state a claim for relief. In the alternative, the Moving Defendants move under Federal Rules of Civil Procedure 12(b)(6) and 12(f) to dismiss with prejudice or to strike the Amended Complaint’s requests for relief that are unavailable as a matter of law.

WHEREFORE, the Court should dismiss the Amended Complaint with prejudice. Alternatively, the Court should dismiss with prejudice or strike the Amended Complaint’s requested remedies that are unavailable as a matter of law.

Respectfully Submitted,

s/ Lori E. Lightfoot

Lori E. Lightfoot

Chad M. Clamage

MAYER BROWN LLP

71 South Wacker Drive

Chicago, IL 60606

312-782-0600

Fax: 312-701-7711

llightfoot@mayerbrown.com

cclamage@mayerbrown.com

Evan M. Tager

MAYER BROWN LLP

1999 K Street, N.W.

Washington, DC 20006

202-263-3000

Fax: 202-263-3300

etager@mayerbrown.com

Counsel for Defendant Consolidated Rail Corp.

A. Richard M. Blaiklock

Charles R. Whybrew

Aaron D. Grant

LEWIS WAGNER, LLP

501 Indiana Avenue, Suite 200

Indianapolis, IN 46202

Phone: (317) 237-0500

Fax: (317) 630-2790

rblaiklock@lewiswagner.com

cwhybrew@lewiswagner.com

agrant@lewiswagner.com

Counsel for Defendant CSX Transportation, Inc.

Theodore R. Boehm
Kenneth J. Munson
HOOVER HULL TURNER, LLP
111 Monument Circle, Suite 4400
Indianapolis, IN 46204
Phone: (317) 822-4400
tboehm@hooverhullturner.com
kmunson@hooverhullturner.com

*Counsel for Defendant Norfolk Southern Railway
Company*

CERTIFICATE OF SERVICE

I hereby certify that on August 3, 2017, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which sent notification of such filing to all counsel of record.

s/ Lori E. Lightfoot